

TO: Larry James

FROM: Gary Garver, Columbus Health Dept.

RE: Unlicensed sanitary land fill operation

Recently we have received a complaint from the EPA regarding open dumping on the site located at the southeast corner of Trabue Rd. and McKinley Ave. (parcel #153701). This site has never been licensed as a sanitary land fill, but has operated for many years as a "clean fill" site. An investigation by Jim Veeley revealed that the facility was being used for solid waste disposal. (Pictures were taken at the time of the inspection.) As of this time no formal orders have been issued by this department. Code Enforcement is currently trying to prosecute the operators on the basis of operating a dump site on a flood plain, and the EPA has considered similar action based on pollution of the ground water.

Based on ORC 3734 and OAC 3745-37 & 3745-27, what should our role be in these proceedings? How should formal orders be worded and what are the proper legal avenues to be pursued? Also, is formal action by the Board of Health necessary before we can take criminal or injunctive action?

The recommendation of the EPA was to send the following order to the operators:

"You are hereby notified that failure to discontinue your open dump operation and properly close the site in accordance to 3745-27-10 OAC will subject you to legal action. If satisfactory compliance is not achieved by June 9, 1980 (or 30 days from the issuance of this notice), the matter will be referred to the office of the City Prosecutor."

Would you recommend any changes or additions to this notice? Are there appropriate city codes or regulations which would be preferable to the ORC or OAC?

